

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRCA No. 1517 of 2020**

1. Raghuraj Singh Kharsan, son of late Shri Komal Singh, aged about 68 years, Occupation retired Clerk, Class-II, Irrigation Department, resident of Old Bus Stand, Janjgir, PS City Kotwali, Janjgir, District Janjgir Champa, (CG)
2. Vinod Singh Kharsan, aged about 41 years, son of Raghuraj Singh Kharsan, Occupation Professor Chouksey Engineering College, Bilaspur, resident of Old Bus Stand Karwala Road, Bilaspur, District Bilaspur (CG)

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station City Kotwali, Janjgir District Janjgir Champa (CG)

---- Non-Applicant

For Applicant : Shri UKS Chandel Advocate.
For Non-Applicant : Shri Samir Uraon, Govt. Advocate.
For Objector : Shri Saurabh Sharma, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****16/12/2020 :**

1. The applicants have preferred this application for grant of anticipatory bail as they apprehend their arrest in connection with Crime No.439/2017, registered at Police Station City Kotwali, Janjgir, District Janjgir Champa for offence punishable under Section 420, 467, 468 and 471/34 of the IPC.
2. In relation to joint family or ancestral property, there is dispute between the applicants on the one side and the complainant Dr. Vinay Kharsan on the other side. On the basis of power of attorney dated 26.3.2009 purportedly executed by the complainant Dr. Vinay Kharsan, the applicants succeeded in getting an order of mutation from the Court of

Tehsildar on 19.8.2010 which excluded the name of Dr. Vinay Kharsan, as one of the owners. The complainant thereafter preferred an appeal before the SDO which came to be allowed on 22.7.2013 remitting the matter back to the Tehsildar.

3. In the above background, the present complainant lodged a written complaint before the police authorities on 12.12.2013 and thereafter on 20.10.2015 on the basis of which present FIR has been registered in the year 2017.
4. Learned counsel for the applicants submits that the applicant No.1 is the retired Government servant, aged about 68 years and the applicant No.2 is working as Assistant Professor in the private engineering college. Thus in the event of arrest, both of them would suffer adversely.
5. Per contra, learned State Counsel and the counsel for the Objector as well, would vehemently oppose the prayer for grant of anticipatory bail. They would submit that the applicants have forged the power of attorney and have used it for obtaining mutation order, and subsequently the land has been mortgaged to obtain borrowing facility. They would submit that the applicants had intention to grab the share belonging to the complainant.
6. Considering the nature of dispute and for the fact that litigation before the revenue Courts is going on since 2010 and the concerned Police has not arrested the applicants for the last 3 years, I am inclined to admit the applicants to anticipatory bail.
7. Accordingly, the application is allowed and it is directed that in the event of arrest of the applicants, they shall be released on anticipatory bail on each of them executing a personal bond for a sum of Rs.50,000/- with one surety in the like sum to the satisfaction of the arresting officer with the following conditions:-
 - (i) they shall not influence the witnesses during trial.

(ii) they shall make themselves available for interrogation by a police officer as and when required;

(iii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

Sd/-
Judge
(Prashant Kumar Mishra)

Barve